

REMARKS

The Final Office Action dated February 4, 2003 and the Advisory Action dated May 27, 2003 have been considered.

Summary of the Office Action

Claims 1-10 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by the Published European Patent Application EP 0 856 972 A2.

Claims 1-10 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by the Published European Patent Application EP 0 878 956 A1.

Claims 1-10 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Ohtsuka* (U.S. Patent No. 6,327,049).

Summary of the Response to the Office Action

By this amendment claims 1 and 6 have been amended. Accordingly, claims 1-10 are pending in the application for further consideration.

All Subject Matter Is Allowable

Claims 1-10 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by the Published European Patent Application EP 0 856 972 A2. Claims 1-10 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by the Published European Patent Application EP 0 878 956 A1. Claims 1-10 stand rejected under 35 U.S.C. §102(e) as allegedly being

anticipated by *Ohtsuka*. Applicant respectfully submits that newly-amended independent claims 1 and 6 include features not found or taught in EP 0 856 972 A2, in EP 0 878 956 A1 or in *Ohtsuka*.

The Advisory Action dated May 27, 2003 indicates that the Request for Reconsideration filed on May 5, 2003 has been considered but does not place the application in condition for allowance. The Advisory Action states on the attached sheet that “[c]laims 1-10 still read on EP 0 856 972 A and EP 0 878 956 A and *Ohtsuka* (U. S. Patent 6, 327, 049).” However, Applicant respectfully submits that none of the cited references teaches or suggests a remote photographic processing system where “said photographic printing condition is determined for each original image and set for one original image to achieve coincidence in color or density finishing of photographic prints reproduced from said one original image at the time of said later printing and said previous printing,” as recited in newly-amended independent claims 1 and 6. Applicant respectfully requests that the arguments filed on May 5, 2003 be reconsidered in association with the remarks and amendments included in this Preliminary Amendment.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference under 35 U.S.C. § 102(b) only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejections under 35 U.S.C. § 102 should be withdrawn because none of EP 0 856 972 A2, EP 0 878 956 A1 and *Ohtsuka* teaches or suggests each feature of independent claims 1 and 6, as newly amended. Additionally, Applicant respectfully asserts that the rejections of dependent claims 2-5 and 7-10 should also be withdrawn at least because of

their respective dependencies upon newly-amended independent claims 1 and 6 and for the reasons set forth above.

With no other rejection pending, Applicant respectfully asserts that claims 1-10 are in condition for allowance.

CONCLUSION


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this Preliminary Amendment, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Attached hereto is a marked-up version of the changes made to the claims by the current Preliminary Amendment. The attached page is captioned "Version With Markings To Show Changes Made."

Respectfully submitted,

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